



Manpower and Organization

ORGANIZATION AND FUNCTIONS

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This pamphlet applies to the United States Transportation Command (USTRANSCOM), Office of the Staff Judge Advocate (TCJA), Scott Air Force Base, Illinois. It defines the mission, functional statements, and organization of the office. Each USTRANSCOM directorate and staff agency has its own separate pamphlet. The use of a name of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Department of Defense (DOD) or USTRANSCOM. All manpower and personnel changes that affect the command structure and/or any billet attributes must be submitted in accordance with (IAW) USTRANSCOM Instruction 38-3, *Joint Manpower Management*. USTRANSCOM Manpower and Personnel (TCJ1) is the only directorate authorized to contact Office Secretary of Defense, the Joint Staff, and/or the Services to initiate any manpower or personnel actions or changes.

SUMMARY OF REVISIONS

This pamphlet has been modified for and applies only to the TCJA. Each USTRANSCOM directorate and staff agency has its own separate pamphlet.

1. Reference and Supporting Information. References and related publications, abbreviations, acronyms, and terms used in this pamphlet are listed in attachment 1.

2. Mission. Provides legal expertise in its core competency of transportation law for USTRANSCOM and DOD. Provides full spectrum legal services to USTRANSCOM to include transportation acquisition, fiscal, international, personnel, military justice, operations, intellectual property, civil, administrative, environmental, and transportation-related insurance law.

3. Organization and Responsibilities. The Staff Judge Advocate reports to the Commander, USTRANSCOM. The organization chart is located at **Attachment 2**.

4. Function Statements.

4.1. Staff Judge Advocate (Dept B02421000):

4.1.1. Serve as center of excellence for acquisition, transportation, and distribution law.

4.1.2. Provide legal advice to the USTRANSCOM Commander, Deputy Commander, Chief of Staff, and staff.

4.1.3. Render legal opinions concerning the interpretation and implementation of statutes and regulations.

4.1.4. Review and coordinates Service, joint, and DOD directives.

4.1.5. Interact with component staff judge advocates and legal offices, other combatant command legal offices, Joint Staff legal counsel, Service and DOD General Counsels, usually providing advice regarding interpretation of transportation and distribution related statutes and regulations.

4.1.6. Coordinate and liaise with federal, state, and local government agencies in accordance with DOD regulations.

4.1.7. As authorized by DOD Directive 4500.09E, *Transportation and Traffic Management*, represents DOD and the command in hearings before the Surface Transportation Board and other administrative bodies.

4.1.8. Serve as approval authority for acceptance of non-federal travel support under the Joint Travel Regulation/Joint Federal Travel Regulation.

4.1.9. Provide counsel on activation of government-owned transportation assets and on activation of readiness programs (Civil Reserve Air Fleet, Voluntary Intermodal Sealift Agreement (VISA), etc.)) with the commercial sector to meet DOD requirements.

4.1.10. Serve as legal advisor to the USTRANSCOM Deputies Council.

4.2. Acquisition Law Division (Dept B02421010):

4.2.1. Maintain interactive liaison with legal counsel for companies and organizations operating within the transportation industry.

4.2.2. Provide legal advice to the Head of the Agency, the Senior Procurement Executive, the Head of the Contracting Activity, the Director of Small and Disadvantaged Business Utilization, and the command acquisition advisory staff.

4.2.3. Provide legal support to USTRANSCOM Contracting Unit, including legal review of solicitations, awards, contract modifications, orders to other contracting organizations, deviations to the Federal Acquisition Regulations, Defense Federal Acquisition Regulations, ratifications, disputes, terminations, justification and approvals, claims, protests, bankruptcy and requests for extraordinary relief.

4.2.4. Provide legal advice and business counsel to Milestone Decision Authorities, Program Executive Officers, program managers, portfolio managers, and project managers on contract, requirement, and funding issues, including legal/regulatory standards related to the stages of a program, appropriate funds, tests and demonstrations, architecture reviews, approvals, certifications, estimates, metrics, and program reviews.

4.2.5. Liaise and coordinate actions with the servicing legal offices of the base operational contracting squadron and other DOD and non-DOD procurement activities.

4.2.6. Serve as the legal advisor for reviews of command-developed acquisition packages before they are forwarded to contract execution authorities within or outside the Command.

4.2.7. Provide legal advice to the Chairman of the Transportation Committee of the Defense Acquisition Regulation Council.

4.2.8. Advise USTRANSCOM staff on bid protests, contract disputes, settlement proposals and litigation options, and manage USTRANSCOM discovery requests.

4.2.9. Represent the command, in whole or in part, before courts, boards, administrative tribunals, or other entities in bid protests, contract disputes, bankruptcy proceedings, intellectual property litigation, requests for equitable relief, alternative dispute resolution, suspension/debarment proceedings, contract fraud cases, and coordination of fraud remedies.

4.2.10. Participate in government-industry working groups to improve major transportation contracts awarded by USTRANSCOM or its components and to improve readiness programs supported by industry.

4.2.11. Provide advice on legal matters (anti-trust, impact on national security, etc.) affecting mergers and acquisitions of transportation industry companies and organizations, including those in the international business environment.

4.2.12. Assist USTRANSCOM personnel in identifying fraud indicators and following rules applicable to contractors in the workplace.

4.2.13. Provide transportation and distribution law advice, with special emphasis on sealift issues, including cargo preference law, the VISA, the Maritime Security Program, sealift war-risk insurance, proper use of government-owned vessels, the Ready Reserve Force memorandum of agreement with Maritime Administration, etc.

4.2.14. Liaise the Air Force and other DOD components providing specialized, outside legal support to USTRANSCOM.

4.2.15. Assist expansion of DTS business base by developing ways to accommodate USTRANSCOM contracts to the needs of new DTS customers.

4.3. Fiscal and Civil Law Division (Dept B02421020):

4.3.1. Advise USTRANSCOM on legal issues regarding information technology, intellectual property law, intelligence operations, electronic record-keeping and information operations, to include information monitoring and security and computer and Information Technology (IT) system searches and seizures.

4.3.2. Serve as legal advisor to the Corporate Governance Process for fiscal and resource issues. Advise on technology transfer activities including Cooperative Research and Development Agreements.

4.3.3. Participate in the Information Operations Planning Cell and the Critical Infrastructure Program Working Group.

4.3.4. Review all materials prior to placement on USTRANSCOM public web pages.

4.3.5. Provide legal advice regarding disclosure requirements of Freedom of Information Act and protection requirements of the Privacy Act and other transportation-specific acts. Provide advice relative to compliance with protecting personal health information (PHI) under Health Insurance Portability and Accountability Act (HIPPA). Also provide advice relative to compliance with protecting PHI under HIPPA.

4.3.6. Serve as single definitive point of contact, designated by USTRANSCOM Commander, for command legislative proposals. Prepares and submits draft legislation to DOD for forwarding to Congress to enable USTRANSCOM to better accomplish its mission. Negotiates on behalf of DOD during interagency coordination on USTRANSCOM legislative proposals with Office of Management and Budget and other executive branch departments and agencies.

4.3.6.1 Negotiate with congressional staffers on USTRANSCOM legislative proposals and testify before Congress, when appropriate.

4.3.6.2. Review and object when necessary to draft executive orders and legislative proposals from other DOD or other governmental agencies that might adversely impact the USTRANSCOM mission and negotiate, on behalf of the command, changes to those proposals to eliminate conflict.

4.3.7. Provide fiscal law advice related to budget, expenditures and utilization of:

4.3.7.1. Transportation Working Capital Fund and Distribution Process Owner funds

4.3.7.2. Organizational Representation Funds

4.3.7.3. Special Morale and Welfare funds

4.3.7.4. Combatant Commander Initiatives Fund

4.3.7.5. Command and Control Initiatives Program**4.3.7.6. Combating Terrorism Readiness Initiative Fund****4.3.7.7. Research and Development funds**

4.3.7.8. Appropriated and other funds made available to USTRANSCOM and the limitations on the use of each category of funds

4.3.8. Provide advice and review any investigations for Anti-Deficiency Act violations within the command. Review Reports of Survey for compliance with governing regulations. Review Program Budget Decision actions for impact to the command and transportation.

4.3.9. Negotiate and process international agreements and the interpretation and application of existing international law and agreements, to include:

4.3.9.1. Acquisition and Cross-Servicing Agreements**4.3.9.2. Cooperative Military Airlift****4.3.9.3. Status of Forces Agreements****4.3.9.4. North Atlantic Treaty Organization****4.3.9.5. Defense Courier Division and other international agreements**

4.3.10. Represent the command in resolving international legal issues, to include over flight problems/restrictions, payment of landing fees, US and foreign customs and immigration laws, and casualty assistance laws. Includes working with Department of Homeland Security on customs and boarder clearance issues and the US Department of Agriculture on entry clearance/inspections.

4.3.11. Render advice on compliance with all civil law statutory and regulatory requirements, including labor, employment law, safety, and environmental issues imposed by domestic and international law on the command, as well as the transportation industry (air, land, sea). Includes review/oversight of classified programs supported by USTRANSCOM and new requests for support for compliance with law and governing directives. Review all interagency agreements, Memorandum of Understanding, and Memorandum of Agreement for fiscal/civil law issues prior to signature by the command.

4.3.12. Represent the command in any civil law related administrative hearings or litigation to include labor-related hearings, negotiations, and alternative dispute resolution (ADR) proceedings. Represent the command, if necessary, pursuant to the authority granted by DOD Instruction 4500.17, *Proceedings before Transportation Regulatory Bodies*.

4.3.12.1. Provide legal advice to the USTRANSCOM Commander, Deputy Commander, Chief

of Staff, and the staff regarding actions of the Commercial Airlift Review Board and USTRANSCOM responsibilities under DOD Directive 4500.53, *DOD Commercial Air Transportation Quality and Safety Review Program*.

4.3.13. Serve as the DOD expert on government and commercial war-risk insurance for transportation assets; specifically, vessel and aviation insurance. Review all government provided insurance or reinsurance policies prior to use with commercial entities under contract with DOD.

4.3.13.1. Work with the Department of Transportation (DOT), the Federal Aviation Administration (FAA) and Maritime Administration on coverage and other insurance issues to include drafting government policies. Authorized to negotiate with DOD units regarding any new special coverage and terms and conditions with the units and DOT/FAA/MARAD and other executive branch agencies to meet mission needs. Oversee the handling and settlement of claims by FAA, MARAD and their claims adjusters. Work with Office of the Secretary of Defense Comptroller in providing payment of losses. Delegated authority to enter into binding agreements and settlements with DOT and the Department of Justice.

4.3.14. Act as Deputy Designated Agency Ethics Official in support of the administration and maintenance of the command's compliance program mandated by the Procurement Integrity Act and other statutes.

4.3.15. Provide counsel on acceptance, tender, and disposition of gifts by and to the command.

4.3.16. Act with USTRANSCOM, Inspector General as oversight authority for intelligence gathering activities of the command. Reviews inspector general (IG) reports and investigations in the civil/fiscal law area.

4.3.17. Provide advice to DOD staff, the Joint Staff, other unified combatant commands, and Service units on travel and transportation issues, including use of government aircraft and vessels, transportation (all modes) policy issues to include Denton Humanitarian Lift, Operational Support Aircraft, Special Assignment Airlift Mission, fiscal issues relative to Defense Support to Civil Authorities to include hurricane and wildfire support, and aeromedical evacuation issues. Work with the Office of Assistant Deputy Under Secretary of Defense, Transportation Policy, on transportation eligibility, safety, use of National Guard and Reserve, and other transportation issues.

4.3.18. Provide advice and input to DOD, Joint Staff and Services on revisions of transportation-related directives. Review command directives for legal and fiscal issues.

4.3.19. Serve as back up in the absence of the Operational and Administrative Law Division for reviewing activation packages for organic sealift assets and other operational issues.

4.4. Operational and Administrative Law Division (Dept B02421030):

4.4.1. Review activation packages for organic sealift assets.

4.4.2. Responsible for review of Inter-Service Support Agreements and Command Arrangements Agreements for compliance with law and DOD policy.

4.4.3. Review for legal sufficiency and renders advice and guidance on reports of investigation or inquiries, including IG, Operations Security, and Government Accountability Office reports, pertinent to USTRANSCOM command activities.

4.4.4. Responsible for coordination of legal matters with other commands and for the legal aspects of joint deployment, joint deployment exercises, command authorities; e.g., Combatant Command, Operational Control, Tactical Control, and Administrative Control.

4.4.5. Review the Unified Command Plan, Forces For Unified Commands, and all other Global Force Management documents for legal issues potentially impacting the authorities of the command.

4.4.6. Advise on all military justice and disciplinary matters relating to USTRANSCOM military personnel and on matters for the Defense Courier Division or arrange for inter-service support for detachments.

4.4.7. Coordinate inter-Service procedures to ensure timely and fair disciplinary and adverse personnel actions for all assigned military personnel.

4.4.8. Advise on the law of armed conflict, defense support to civil authorities, posse comitatus, rules of engagement/use of force and all other aspects of international and domestic operational law.

4.4.9. Support command in joint operations planning process and provide representation on all campaign, deliberate and crisis action planning teams. Review plans (operations plans, concept of operation plans, and orders (warning orders, planning orders, alert orders, deploy orders, and execution orders)).

4.4.10. Provide legal representation on USTRANSCOM Battle Staff for all exercises, operations, and contingencies.

DAVID W. CZZOWITZ, Colonel, USAF
Director, Manpower and Personnel

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORT INFORMATION

References

DODD 4500-9E, *Transportation and Traffic Management*
 DODI 4500-17, *Proceedings Before Transportation Regulatory Bodies*
 DODD 4500.53, *DOD Commercial Air Transportation Quality and Safety Review Program*
 DODD 5100.73, *Major Department of Defense Headquarters Activities*
 CJCSI 1001.01, *Joint Manpower and Personnel Program*
 USTRANSCOMI 38-2, *USTRANSCOM Reserve Component Support Requirements*
 USTRANSCOMI 38-3, *Joint Manpower Management*

Abbreviations and Acronyms

DOT-Department of Transportation
 DOD-Department of Defense
 DTS-Defense Travel System
 FAA-Federal Aviation Administration
 HIPAA-Health Insurance Portability Accountability Act
 IG-Inspector General
 IT-Information Technology
 MARAD-Maritime Administration
 NATO-North Atlantic Treaty Organization
 OSA-Operational Support Aircraft
 OSD-Office of the Secretary of Defense
 OMB-Office of Management and Budget
 TCJA-United States Transportation Command, Office of the Staff Judge Advocate
 USTRANSCOM-United States Transportation Command
 VISA-Voluntary Intermodel Sealift Agreement

Attachment 2

**USTRANSCOM
Staff Judge Advocate (TCJA)**

